United Nations A/ES-10/PV.16

General Assembly
Emergency Special Session

Official Records

16th meeting
Tuesday, 7 May 2002, 10.30 a.m.
New York

President: Mr. Han Seung-soo ..... (Republic of Korea)

The meeting was called to order at 10.35 a.m.

The President: I declare the tenth emergency special session of the General Assembly resumed pursuant to Assembly resolution ES-10/9 of 20 December 2001, whereby the Assembly decided:

> "to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States".

In this connection, I should like to draw the attention of the delegations to the following: document A/ES-10/170, which contains a letter dated 3 May 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations, in which he requested, on behalf of the States members of the League of Arab States, the resumption of the tenth emergency special session; and document A/ES-10/171, which contains a letter dated 3 May 2002 from the Permanent Representative of South Africa to the United Nations in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement and by which he also requested the resumption of the tenth emergency special session.

In accordance with rule 63 of the rules of procedure of the General Assembly, the President and Vice-Presidents of the fifty-sixth session will serve in the same capacity at the resumed tenth emergency special session.

May I take it that it is the wish of the General Assembly to decide that the Credentials Committee of the fifty-sixth session should serve for the resumed tenth emergency special session?

It was so decided.

Scale of assessments for the apportionment of the expenses of the United Nations (A/ES-10/172)

The President: In keeping with the established practice, I should now like to draw the attention of the General Assembly to document A/ES-10/172, which contains a letter addressed to me by the Secretary-General informing the Assembly that 21 Member States are in arrears in the payment of their financial contributions to the United Nations within the terms of Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

Agenda item 5 *(continued)*

Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Draft resolution A/ES-10/L.9

The President: I give the floor to the representative of South Africa to introduce draft resolution A/ES-10/L.9.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

02-37023 (E)

Mr. Kumalo (South Africa): We come before the General Assembly in response to the deadlock in the Security Council on how to deal with the Israeli army's incursions into Palestinian territory. Consequently, it is my honour on behalf of the Non-Aligned Movement to introduce a draft resolution on Palestine on how the General Assembly can respond to the tragic situation in the Middle East.

The Security Council, which according to Article 24 of the United Nations Charter has the primary responsibility for the maintenance of international peace and security, did not take the necessary action on the question of Palestine.

Even more troubling is that recently, when the United Nations Secretary-General decided to send a fact-finding mission to the Jenin refugee camp to investigate events that occurred as a result of an invasion by the Israeli army, the Israeli Government prevented the fact-finding mission from entering Palestine. To this day, the Security Council has yet to react officially to this Israeli rejection.

In addition, the Israeli Government has refused to cooperate with the Commission on Human Rights fact-finding team led by the United Nations High Commissioner for Human Rights, Mary Robinson. Israel has also not given effect to the 5 December Final Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention.

The General Assembly must now stand against Israel's defiance of international humanitarian law and of human rights. The intransigence of the Israeli State is beginning to erode the credibility and legitimate standing of the United Nations as a whole. Israel seems to have developed a culture of acting with impunity when it comes to the United Nations. The message that must emanate from the Assembly must be that no individual Member of the United Nations can be treated differently from the rest.

The Security Council has adopted a number of important resolutions on Palestine. Two of those — 1402 (2002) and 1403 (2002) — call for the withdrawal of Israeli forces from Palestinian territory without delay. However, Israel has yet to withdraw its forces from Palestine. Instead, the Israeli army has invaded more Palestinian towns.

Resolution 1405 (2002) welcomes the Secretary-General's initiative to send a fact-finding mission to investigate the events in Jenin. But after many days of prevarication and obstruction, Israel eventually forced the Secretary-General to disband his high-profile fact-finding team.

The problem is that the Security Council still does not seem to know what to do when the Israeli Government chooses to ignore the Council's authority. To people throughout the world, it makes little difference whether the Security Council has met virtually every day on Palestine or whether the Council authorized, mandated or merely welcomed the deployment of the fact-finding team.

The point is that the Security Council unanimously agreed that it was in the best interests of both parties — the Israelis and the Palestinians — and, indeed, of the entire international community that the truth behind the events in Jenin be established. The accusations, suspicions and controversy behind what actually happened in Jenin have not died down, nor are they likely to do so.

As the Secretary-General said in his letter to the President of the Security Council on the disbanding of the Jenin fact-finding team, dated 1 May 2002:

> "I regret being unable to provide the information requested by the Council in resolution 1405 (2002), and especially that the long shadow cast by recent events in the Jenin refugee camp will remain in the absence of such a fact-finding exercise." (*S/2002/504, p. 3*)

Through its own actions, the Israeli Government has led us to the perception that the truth is something it would wish to hide, but, as we all know, the truth will ultimately prevail.

The people of Palestine look to the General Assembly as their last recourse. Every member of the Assembly has the obligation to take a stand on the crisis in the Middle East. This is no time for moral ambivalence and double standards. The time has come to allow the wider international community to articulate its views and to send a clear and unambiguous message to the Government of Israel that international law and human rights are non-negotiable.

The draft resolution before the Assembly seeks to do precisely that. We wish to leave the Government of Israel in no doubt that its recent military incursions far exceeded the boundaries of the right to self-defence. Furthermore, we want it to be known that Israel's

actions cannot be justified on the grounds of counter-terrorism.

Combating terrorism does not license any State to disregard international law and humanitarian norms. There can be no valid comparison drawn between the fight against international terrorism and the fight against the legitimate struggle of the Palestinian people to end foreign occupation.

The draft resolution before the Assembly gives all members an opportunity to be on record on the situation in the Middle East. Besides condemning the Israeli army for brutal assaults on Palestinian cities, it points out that the refusal by Israel, the occupying Power, to cooperate with the Secretary-General's fact-finding team sent to the Jenin refugee camp is a violation of Security Council resolution 1405 (2002).

The resolution requests the Secretary-General to present a report drawing upon the available resources and information on the recent events that took place in Jenin and in other Palestinian cities. The resolution demands that Israel cease all hindrances and obstacles to the work of humanitarian organizations and United Nations agencies in the occupied Palestinian territories, in particular the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Our presence in the General Assembly today attests to our belief that there can still be a peaceful resolution in the Middle East, even though the situation has become intractable. We believe that there can be no solution for peace in Palestine that will not include President Arafat, the democratically elected leader of the Palestinian people.

It is with that belief and in that spirit that we call on the members of the Assembly to give their resounding support to the draft resolution before us and to send a clear message that the United Nations is ready to take a stand on the issue of Palestine.

The President: I give the floor to the Permanent Observer of Palestine.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): I should like at the outset to thank you, Mr. President, and the Permanent Representative of South Africa for introducing the important draft resolution before us today.

A serious crisis is gripping Palestine and the Middle East. There is a crisis also in the international order established by the Charter of the United Nations. I am not sure whether the first crisis has led to the second or vice versa — meaning that the state of stagnation prevailing in the Security Council could be responsible for having allowed the situation in Palestine and in the Middle East to deteriorate to the extent it has, and possibly could allow it to deteriorate even further.

The important thing is that, because of these two serious crises, we have called for the resumption of the tenth emergency special session of the General Assembly, in accordance with the "Uniting for Peace" formula and as a last resort, in the hope that the Member States will be able collectively to undertake what the Security Council has failed to do. What is required now is seriously to address the situation in Palestine and in the Middle East, and specifically to put an end to the bloody Israeli military campaign, which is designed to destroy our people and their future, including the Palestinian Authority, and consequently is aimed at reverting to the situation that prevailed in the pre-Oslo era and at destroying the prospects for peace.

After Mr. Ariel Sharon assumed office, it became clear that the deteriorating situation in the region would worsen, moving towards a real crisis that threatened to tip us all into the abyss. From the very start, the man was very clear; he said that he did not want a final peace agreement, but only a new transitional arrangement. He said that he opposed the recommendations of the Mitchell committee, and he prevented the implementation of those recommendations, burying them, just as, later, he buried the Tenet plan. He said that he wished that he had killed Yasser Arafat in Beirut, and that the Palestinians should be battered hard, without let-up, so that they would feel severe pain. He even said that there was no occupation. This is the "man of peace" whose positions were covered up by some until we reacted to the present disaster.

In response to the suicide bombings in Israel, which have been unequivocally condemned by the Palestinian Authority and have harmed our Palestinian national interest, Mr. Sharon attacked the Palestinian security apparatus instead of attacking the groups that committed the bombings. He attacked the Palestinian Authority and the vision of peace, instead of attacking

the opposing political vision that seeks the continuation of confrontation and violence.

After a prolonged period of continuous and systematic destruction, ranging from the demolition of police stations to the demolition of Gaza International Airport, Mr. Sharon pushed the Israeli occupying forces in an all-out military assault against Palestinian cities, villages and refugee camps in most of the West Bank, starting on 29 March 2002. The occupying forces committed all manner of atrocities against our people, using all kinds of weaponry, including war planes and helicopter gunships, as well as tanks. They stormed the Ramallah compound of President Yasser Arafat — our elected President and the symbol of our national struggle — and imposed on him a military siege that even went so far as to endanger his personal safety.

The Israeli occupying forces have carried out the wilful killing of civilians as well as extrajudicial executions. They have used civilians as human shields and imposed various forms of collective detention, including the imposition of curfews for several days at a time. They have repeatedly obstructed the movement of ambulances, medical workers and humanitarian organizations and even prevented them from reaching those in need. They have also caused vast and unjustified destruction — destruction that defies belief — of the Palestinian infrastructure, including water and electrical supplies and road networks, and the destruction of several ministerial buildings, along with all their contents and records. They have carried out widespread physical devastation and destroyed hundreds of vehicles. They have demolished homes and civilian quarters, in particular in the old city of Nablus and in Bethlehem. They have attacked mosques and churches and imposed a siege on the Church of the Nativity, the birthplace of Jesus — peace be upon Him — attacking it several times and causing fire and other damage to the church compound.

Then came the attack on the Jenin refugee camp — an area of 1 square kilometre — in which 13,000 refugees, who were uprooted from their homes and properties in 1948, had been living. The camp was obliterated by bulldozers after helicopter gunships fired missiles at it. For more than 11 days, the Israeli occupying forces then prevented international humanitarian organizations, including the International Committee of the Red Cross, from entering the camp to deliver emergency medicine and food.

The Israeli occupying forces have thus committed serious violations of human rights and have violated the laws governing armed conflict. They have committed grave breaches of the Fourth Geneva Convention; in other words, they have committed war crimes. That is clear and it has been documented. In addition to the fact that they clearly committed war crimes, they may also have carried out a massacre and committed a crime against humanity in the Jenin refugee camp. The probability of that having happened has increased with the statements made by the occupying forces about hundreds being killed in the camp and with their attempts to move the bodies to what they called the "graveyard of the enemy".

It is incumbent upon the international community to take a stand against the horrendous acts committed by the Israeli occupying forces against our people. They may have taken place because no serious stand was taken against previous horrendous acts, such as the massacres of Sabra and Shatila, Deir Yassin, Kofr Qassim, Quibia, and Khan Yunis. The High Contracting Parties to the Fourth Geneva Convention of 1949 have a clear obligation to respond with regard to the perpetrators of war crimes. We call upon those States, and on the United Nations system, which should play its part at a later stage, to hand down indictments and to prosecute those who have committed war crimes, chief among them General Shaul Mofaz, Chief of Staff of the Israeli army, as well as the commanding officers and members of the military units that have committed acts of wilful killing against civilians and unjustified acts of widespread destruction. As for responsibility at the political level, that is a matter for the courts to address at the appropriate time.

The situation resulting from the latest Israeli attacks continues to be critical despite the departure of Israeli forces from some Palestinian cities almost one month after the beginning of the assaults, and despite the lifting of the siege of the official compound of President Yasser Arafat in Ramallah a few days ago. Israeli tanks continue to impose a suffocating siege on the cities from which they have withdrawn, and the Israeli occupying forces returned to reoccupy parts of those cities several times, causing further death and destruction. Furthermore, the criminal siege of the Church of the Nativity is still going on, and the Palestinian side has been obliged to accept so-called negotiations in order to end the situation.

The substance and the aim of the latest Israeli military assault have thus not changed. There are no areas under the control of the Palestinian Authority that have not been rendered incapable of fully functioning. Moreover, the Palestinian populated centres continue to be suffocated; people are unable to lead normal lives and are very close to Israeli forces and tanks. Confronted by all of this, some think we should have been happy when the Israeli side ended its siege against the President or when negotiations began with regard to the siege of the Church of the Nativity. Yet our people are screaming out in pain at the suffering, oppression and injustice; they are being forced to lose hope, and feel frustrated and angry.

As for the crisis of the international system, the matter is now clear. The Charter confers upon the Security Council, on behalf of the States Members of the United Nations, primary responsibility for the maintenance of international peace and security. However, the Council has been unable to fulfil its responsibilities with regard to the Middle East, particularly during the past 16 months.

Specifically, after the onset of the all-out Israeli military assault, the Security Council adopted, on 30 March, resolution 1402 (2002), and we were optimistic, despite the weakness of the resolution. Before that, we had been even more optimistic after the adoption of resolution 1397 (2002) and the important positive change that occurred at the time. Resolution 1402 (2002) called for, inter alia, the withdrawal of Israeli forces from Palestinian cities, including Ramallah.

Several days later, however, it became clear that the Israeli forces were intensifying their assaults instead of withdrawing in accordance with the Council resolution. Then, after exhaustive efforts, another modest resolution was adopted on 4 April — resolution 1403 (2002) — which called for the implementation of resolution 1402 (2002) without delay. The Security Council and the entire world then witnessed for many days and weeks the continuing Israeli horror, carried out in complete contempt of the Council's resolutions, which to date have not been fully implemented.

Some major Powers have recently been involved in an attempt to improve the situation and to move forward one step here and another there, which we appreciate. But the Council's resolutions have still not been fully implemented.

Then came the great scandal with regard to resolution 1405 (2002), which welcomed the initiative of the Secretary-General to develop accurate information regarding the recent events in the Jenin refugee camp through a fact-finding team. The resolution requested the Secretary-General to keep the Security Council informed. Israel, the occupying Power, welcomed the resolution and even expressed its readiness to cooperate. Then, with what appears to be rejection by its military establishment, Israel changed its mind and began a campaign to pressure and blackmail the Secretary-General and the Secretariat to change the composition of the team and to guarantee that its results would go in a particular direction. Throughout the events, the Security Council remained a spectator despite our attempts to push it to take a position.

In spite of this, the Secretary-General maintained his position with regard to the integrity of the team and to preserving its appropriate method of work. However, in the end, as a result of Israel's refusal to cooperate with the team and to implement resolution 1405 (2002), the Secretary-General was compelled to inform the Security Council of what had taken place and of his conclusion that the team had to be disbanded.

What the Security Council has done — it is difficult to believe — is nothing. The Arab Group attempted to submit a resolution under Chapter VII to compel Israel to cooperate. However, this was considered an extreme position. Then, 24 hours before the fact-finding team was disbanded, we submitted a modest text aimed at maintaining the team and pressuring Israel, the occupying Power, to accept it. The draft did not receive sufficient support because of the threat of veto. What was offered to us in return was a resolution expressing regret for Israel's position — only regret — and approving the disbanding of the team with a request to the Secretary-General to inform the Council when accurate information on what happened became available to him. Of course, we could not accept this.

All of this has occurred while dealing with an occupying Power that has no sovereign mandates. We are speaking of occupied territory to which the Fourth Geneva Convention is applicable, as affirmed in 24 resolutions of the Security Council. The result now is that there will be no fact-finding team on what happened in the Jenin refugee camp. At the same time,

Israel is protected and shielded from any serious reaction from the Council.

Why has all this occurred? How could this happen? Are Security Council resolutions selective? Are they subject to negotiation and change? Is there a particular Security Council to deal with Arab States that might not comply with its resolutions and another Security Council for Israel when it fails to comply? Is it possible, when one of the members of the Council is enjoying unprecedented influence, such as the United States, that such influence would allow for putting the Charter aside and ignoring international law and international humanitarian law? What are the responsibilities of the other members, permanent and elected, in such a case? If deterioration actually reaches this level, is there a possible remedy? If there is no remedy, what are the destructive consequences of this situation for the international system and international relations?

These are serious questions. I think that we all bear responsibility to consider them and to try to find answers in order to preserve the existing international system. The question now, frankly, is not whether the Security Council will lose its credibility. This has already happened. The question is whether the Council will be able to restore that credibility.

I would also like to note that all of this did not occur suddenly or just during the last few weeks. This has been taking place over many years before our very eyes. Israel, the occupying Power, has refused to comply with 29 resolutions of the Security Council. Nothing has happened. Israel has violated and destroyed the international humanitarian law system — which was adopted by the world following the horrors of the Second World War — comprising the four Geneva conventions.

The Fourth Geneva Convention aims at protecting civilians in time of war and also preventing the reoccurrence of colonialism through the transfer of population. Israel has practised precisely that and has transferred 400,000 Israelis to the occupied Palestinian territory, building illegal settlements for them on our land and exploiting our natural resources. Israel, by its practices, has violated all the ideals and values cherished by the civilized world, such as justice, freedom, the right to self-determination, human rights and the non-proliferation of nuclear weapons and weapons of mass destruction.

Lastly, Israel is about to accomplish another achievement, and that is the hijacking of the international agenda on combating international terrorism. We all have stood with the United States in the face of the blind acts of terrorism of 11 September. The world indeed did form a wide coalition to combat international terrorism. Given this coalition, it is disgraceful for Israel, the only occupying Power in the world, to be allowed to succeed in linking its criminal acts against our people and the fight against international terrorism, including what the United States has done in Afghanistan. Such an attempt could only lead to undermining the legitimacy of the fight against international terrorism, and what is even more dangerous, as we warned in previous statements, it promotes conflict among civilizations and religious confrontation, only to serve Israel's expansionist goals and its violation of international law and international legitimacy.

All this was not enough for Israel. Maybe, in order to be able to do all of that, Israel launches horrendous campaigns of systematic lies, misinformation and even psychological warfare against our people and its leadership. It also launches smear campaigns and intimidation campaigns against those it considers enemies — in practice, those who dare to speak the truth at the international level. You need only look to the accusations lately made against respected international personalities, at least some of whom have always been friends of Israel. We now hear a return to talk of a Palestinian leadership that aims at the destruction of Israel; Arafat who cannot be trusted; a biased United Nations; and anti-Israel sentiment. There is even the horrible accusation of anti-Semitism, which is now freely being used right and left. All of this is evidence of the ethical and moral bankruptcy of the Israeli Government and its friends.

It is incumbent upon the international community to take a serious stand — not merely to be consistent with the principles of the Charter and international law, and not only to put an end to the suffering of our people or to help it restore its national and inalienable rights, but also to rescue Israel from these mad tendencies and to give Israeli society an opportunity to look into its internal situation in order to correct it and return to the right direction.

Lately some rays of hope have appeared in the distance, and serious talks have begun on the necessity of taking a comprehensive approach, which includes

the security situation, reconstruction and acceleration of the political process towards a permanent solution based on the principle of two States. The "quartet" has been specifically active in this field. All of these are matters that we welcome, and we express our readiness to cooperate with all the efforts to put an end to this existing catastrophe and to return to the path of peace.

However, we reaffirm our absolute rejection of all proposals for transitional arrangements, which in reality aim at keeping the occupation and relieving the Israeli side of facing its responsibilities. As for the proposal for an international conference, we believe that it could form a suitable mechanism, provided that the "quartet" and others participate in it, most importantly, all of the concerned Arab parties, and provided that it is preceded with an agreement on the substance and guidelines regarding the final goal based on resolutions of international legitimacy and the Arab peace initiative, which was endorsed by the Arab Summit in Beirut in March. The substance is the main thing, and we should not focus on a mechanism as an alternative to dealing seriously with the substance.

However, before achieving all this, the horrific situation on the ground must come to an end and the Israeli forces must withdraw from all the areas that should be under the control of the Palestinian Authority in accordance with agreements. In this connection, we reiterate that we welcome the proposal of the Secretary-General concerning the establishment of a robust and credible multinational force to be deployed on the ground to create better conditions and to provide an opportunity for the reconstruction of the institutions of the Palestinian Authority, including its security apparatus, and to assist the two sides in implementing agreements. We also call for the strengthening of the role of the United Nations, which should start with the Security Council shouldering its responsibilities in accordance with the Charter of the United Nations.

I would like, in conclusion, to thank all of you immensely on behalf of the Palestinian people and the Palestinian leadership.

Mr. Erwa (Sudan) (*spoke in Arabic*): It is an honour for me to make this statement on behalf of the Arab Group, on whose behalf I also wish to thank you, Mr. President, for having responded promptly to the request for a resumption of the tenth emergency special session of the General Assembly. This session is to deal with the ongoing perilous situation in the occupied Palestinian territories resulting from Israeli aggression in Palestinian occupied towns and villages, notably in East Jerusalem. I would also like to say at the outset that I fully subscribe to the statement made by South Africa on behalf of the Non-Aligned Movement.

The occupied Palestinian territories are experiencing one of the most dangerous situations since Israel began its military aggression against occupied Palestinian towns and the Palestinian Authority in March 2002. Despite Security Council resolutions 1402 (2002), 1403 (2002) and 1405 (2002), and the repeated appeals of the international community for it to withdraw immediately from the occupied territories and to end its bloody acts of aggression, Israel, the occupying Power, has for the past two months disregarded these resolutions and has persisted in destroying the Palestinian Authority and besieging its leadership, as well as in laying siege to the Church of the Nativity, the cradle of Christianity. In carrying out their military operations, the occupying forces have committed very serious war crimes and flagrant violations of the Fourth Geneva Convention of 1949, including deliberately bombing civilians and planning to systematically assassinate and detain defenceless Palestinians. The world has witnessed the heinous acts perpetrated by the occupying forces in the Jenin refugee camp. Those forces have destroyed houses before their occupants could vacate them. The International Committee of the Red Cross (ICRC), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and other humanitarian agencies have been denied access to the Palestinian population. It is regrettable that Israel carries out these terrorist acts under the pretext of combating terrorism.

The Arab Group would like to thank Secretary-General Kofi Annan for his significant efforts and for his request to the Security Council to enact the necessary measures to stop the tragedy that is unfolding in occupied Palestine. Among the measures is the initiative to establish a multinational force under Chapter VII of the Charter and to set up a fact-finding team made up of eminent international personalities well known for their credibility, great professional competence and impartiality to shed light on the real events that took place in Jenin. In resolution 1405 (2002), the Security Council welcomed that initiative and asked the Secretary-General to keep it informed of the team's work. The Arab Group would also like to

praise the Secretary-General for his patience, as well as for the efforts of the Secretariat to shed the necessary light on the situation.

However, despite all those efforts, the team was unable to fulfil its mandate. Israel was intransigent, reversed its position and publicly expressed its rejection of the team. The Secretary-General therefore had to go back to the Security Council to explain that it was Israel's refusal that was standing in the way of the team's carrying out its functions. The State of Israel was born as a result of a United Nations resolution. Nevertheless, it continues, in its intransigence, to occupy Arab territories, including the Syrian Golan and parts of southern Lebanon, in violation of international law, while disregarding the Charter of the United Nations. It is for this reason that the Arab Group is hopeful that the Security Council will condemn the scorn demonstrated by Israel towards Council resolutions and its violation of international law, including international humanitarian law.

We had hoped that the fact-finding team would be able to do its job. However, because of Israel's intransigent position, which is an affront to the international community, the team was unable to perform its functions and the Security Council was unable to adopt the necessary measures to force Israel to comply with its resolutions fully and unconditionally and to cooperate with the fact-finding team in accordance with resolution 1405 (2002).

In the light of this situation, the Arab Group has resorted to the General Assembly, which in accordance with the Charter of the United Nations must consider general principles governing cooperation in the area of international peace and security. We urge the Assembly to condemn the position of Israel, the occupying Power, which has refused to accept the fact-finding team set up by the Secretary-General and supported by the Security Council. We must condemn Israel for its disregard of, and scorn for, the Security Council and international law, including humanitarian law. In accordance with its mandate in the area of international peace and security, the General Assembly should today send an unequivocal message to Israel, the only occupying Power in the world, calling on it to abide by the Fourth Geneva Convention of 1949 and to respect the civilian population.

We must also condemn Israeli practices against the Palestinian people in the occupied Palestinian towns, including the Jenin refugee camp, and call on Israel to remove all obstacles in the way of humanitarian assistance to the occupied Palestinian territories. We urge the international community, as represented by the General Assembly, to gather all the necessary information on the crimes committed by Israeli forces in Jenin.

In the light of all this, the Arab Group strongly supports all the elements of the draft resolution under consideration and calls on all Member States to support it.

In conclusion, the Arab Group reaffirms its solidarity with the Palestinian people and its leadership in their efforts to exercise their just and legitimate international rights, including the right to an independent State with the holy city of Jerusalem as its capital.

The President: I now give the floor to the representative of Senegal, who is currently Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Mr. Fall (Senegal), Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (*spoke in French*): We meet once again today in the framework of the tenth emergency special session of the General Assembly in the wake of the apparent inability of the Security Council to ensure respect for its own resolutions and to exercise its statutory responsibilities following the grave events that have devastated the occupied Palestinian territories, including Jerusalem.

Indeed, for several months now, the international community, impotent or indifferent, has witnessed the continuing and unbridled intensification of Israeli aggression against the Palestinian people in its occupied territories, sowing death and desolation on a scale rarely equalled, under the pretext of the repression of terrorism and against the backdrop of economic blockade, a financial freeze and the besieging of institutions.

Considerably damaged, severely dismembered and perhaps even irretrievably destroyed, no social and administrative element of the Palestinian infrastructure continues to function. The captive economy of the territory has disintegrated, while the people — terrified, haggard and distraught — are being offered no alternative by the occupying Power to resentment,

anger and protest, sometimes in questionable form, in response to the acts of violence, provocation and terror of the Israeli steamroller.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People, which I have the honour to chair, must acknowledge its frustration and distress in the face of the Security Council's lack of success, if not outright failure, in vigilantly monitoring the situation in Palestine and in imposing the implementation of its resolutions. In that respect, we refer to the disbanding of the fact-finding team on the tragic events in Jenin, to which the Secretary-General was forced to resort in the face of Israel's refusal to cooperate with the United Nations, as if Tel Aviv had something to be ashamed of or to hide in its repeated attempts to marginalize President Arafat and to challenge his legitimacy, going so far as to dictate to the Palestinians the choice of their leader.

Notwithstanding such a negative attitude, which further undermines the authority and credibility of this global Organization, and the hindrance of the United Nations fact-finding mission, the international community — first and foremost the Security Council and the General Assembly — is solemnly and urgently called upon somehow to assess, objectively and rigorously, the tragic situation in Jenin. Far from being based on a deliberate desire to anathematize anyone, the collection of reliable information on what really happened is, rather, a duty of justice and equity in the face of the culture of impunity, selective treatment and self-absolving complacency which all Israeli extremists and their notorious supporters seek to enjoy at any cost.

Although our indignation may be strong and legitimate with respect to the tragic events in Jenin, Ramallah, Bethlehem and dozens of other Palestinian towns and refugee camps, we cannot ignore the faintly positive developments that have begun to emerge, such as the end of the illegal confinement of President Arafat and the regained freedom of movement of the head of the Palestinian Authority. Nor have we given up hope for a peaceful settlement of the Israeli siege of the Church of the Nativity; nor for the decision of the "quartet" of mediators to convene an international conference, which has yet to be defined, on the Palestinian question; nor for any American, European or other initiative to resurrect the peace process.

The international community is clearly aware of the scope of the human and humanitarian tragedy in Palestine and of the urgent need for international protection, in one form or another, of the Palestinian people and for seeking ways and means to punish violations of international humanitarian law and of the Fourth Geneva Convention. Left to themselves, face to face, the Israelis and Palestinians, unfortunately, can only continue to wage war under the impulse of the fury, convulsions and hatred that feed exasperation, demonization and vengeance. Such feelings are constantly being fuelled by certain extremist and terrorist headquarters, by which the peace process is only too often held hostage.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People is of the view that certain very stubborn facts and principles cannot be recalled too often. First and foremost, Israel's illegal occupation of Palestinian territory, including Jerusalem, and its scorn for the relevant United Nations resolutions and the norms of international humanitarian law are at the very heart of the Palestinian question, the settlement of which will determine the issue of peace in the Middle East.

Since the strong-arm policy of all-out military force has demonstrated its uselessness and given rise to unbelievably perverse effects, we must therefore consider the new, innovative and comprehensive approaches offered by the Secretary-General in the light of the Saudi plan adopted at the Beirut summit of 28 March and in the context of resolution 1397 (2002), in which the Security Council for the first time evokes the vision of two States, Israel and Palestine, living side by side within secure and recognized borders.

Furthermore, given the steps being taken by the American, Russian, European and United Nations sponsors, the international community must, at the risk of losing its credibility, compel the implementation of Security Council resolutions 1402 (2002) of 30 March and 1403 (2002) of 4 April, demanding a genuine ceasefire and the withdrawal of Israeli troops from all reoccupied Palestinian cities and towns. The Security Council must also require, by all appropriate means, the implementation of resolution 1405 (2002) of 19 April, which implicitly condemns Israeli violations of international humanitarian standards and approves the dispatch, rejected by Israel, of a fact-finding mission following the reported massacres in Jenin and the West Bank.

Above all, the path to peace is inseparable from the creation of an independent and viable Palestinian State, and any agreement reached, in order to be just and durable, must take into consideration the case of Jerusalem as well as the problem of Palestinian refugees and their right to return.

Finally, the United Nations has the sacred duty to continue exercising its full responsibility with regard to the question of Palestine until its effective and comprehensive settlement with respect for resolutions 242 (1967), 338 (1973) and 1397 (2002), on the basis of the founding principles of land for peace and withdrawal in exchange for conditions of normalcy.

By calling on the parties, in particular Israel, to conform strictly to those resolutions as well as to the 1949 Geneva Convention relative to the Protection of Civilians Persons in Time of War, we appeal solemnly to the protagonists and actors of good will for a salutary return to the negotiating table, without failing to urge the donor community to mobilize important emergency assistance to help populations in extreme distress and significant economic assistance to a completely destroyed Palestinian Authority.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People does not despair of finally seeing Israelis and Palestinians resolutely seize the olive branch of the Arab Summit in Beirut. In that spirit, I should like to refer to a statement by former United States Security Adviser Zbigniew Brzezinski:

> "On the initiative of the United States, the Security Council should promote today a specific peace plan based on four points: the resolutions of the Security Council, the quasi-agreement concluded at Taba in January 2001, the Saudi peace plan and the deployment of an international force with a view to restoring confidence while contributing to ensuring security between both parties."

Prompted by strong convictions and the fervent hope that sustains them, the Committee earnestly hopes that the resumption of the tenth emergency special session of the General Assembly will lead, through the cooperation of all Member States without exclusion, to the adoption, thanks to massive support, of the draft resolution submitted for consideration.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): Once again, the General Assembly resumes its tenth emergency special session on the question of Palestine. The international community — indeed, the whole world — has seen the tragic events and inhuman violations that have taken place in Palestinian towns, villages and lands over the past few weeks. The General Assembly is meeting today to save the United Nations from that abysmal failure, which over the past few days has afflicted the work of the Security Council and has revealed the Council's inability to fulfil its responsibilities to defend the Charter, the principles of international humanitarian law, the Fourth Geneva Convention and the Universal Declaration of Human Rights.

Mr. Loizaga (Paraguay), Vice-President, took the Chair.

With a heavy heart and sad feelings, mankind watched the Israeli army's actions of destruction, deliberate murder and devastation under the direction of its political leadership. The Security Council responded to the deteriorating situation with a series of resolutions reflecting international legality, in particular resolution 1397 (2002) and then resolutions 1402 (2002) and 1403 (2002). The Secretary-General moved to assemble a fact-finding mission to investigate the breaches and war crimes committed by the Israeli army. The Council expeditiously adopted a United States-sponsored resolution that welcomed the Secretary-General's initiative. Thus, resolution 1405 (2002) was adopted to emphasize the need to respect international humanitarian law. Days passed, and the Government of Israel refused to receive the international fact-finding team and to cooperate with it. Unfortunately, the Security Council fell silent, and then the Secretary-General announced that he would disband the team after having abandoned all hope for meaningful support from the Council.

We all know the real and direct cause of the events taking place in the occupied Palestinian territory: the continuous Israeli occupation of Palestinian territory in the West Bank and Gaza for some 35 years. During that time, Israel has tried to carry out a policy of colonial settlement. Despite the convening of the Madrid Conference in October 1991 and the conclusion of the Oslo Accord in 1993, many parties inside Israel began working to abort those agreements and to block their implementation. Apparently, those parties do not want to see an end to their occupation or to their usurpation of the rights of

Palestinians. Indeed, they wish to oppose United Nations resolutions by force.

Those actions were accompanied by the expansion and intensification of Israeli settlement activity, suffocating the Palestinian people in a bid to push it to despair and make it succumb to occupation and the renunciation of its rights. That did not happen and will never happen. The Palestinian people and its legitimate leadership continued to resist occupation by all available means in the face of a brutal and overwhelming force.

With great sadness and in futile condemnation, the world watched the events over the past 20 months, while the occupying Power bared its fangs against a people that rose up to claim its inalienable rights, in particular the right to self-determination. Like all peoples of the world who put an end to colonialism — except Israel's colonization of Palestinian territory occupied after 4 June 1967 — that heroic people did not stand alone. In fact, the majority of countries that uphold established rights, justice and the rule of law stood by its side.

The current tragic situation in the occupied Palestinian territory, recently reoccupied, must end immediately. The occupying force must cease forthwith all its illegal actions — assassinating leaders and activists who resist occupation, destroying towns and villages, suffocating the economic infrastructure and committing acts of aggression and humiliation against civilians. All those crimes and insults must end immediately.

The General Assembly is required to defend international law, international humanitarian law and the right of peoples to self-determination by ensuring that United Nations resolutions are implemented and not disregarded.

Today, the General Assembly, whose duty it is to defend the credibility and effectiveness of the Charter, must reaffirm its condemnation of the Israeli violations of the Palestinian territory and of the Palestinian people. The Assembly should request the Secretary-General to prepare a comprehensive report on the violations, acts of aggression and crimes of war committed by soldiers of the Israeli army against Palestinian civilians in Palestinian towns and villages in the West Bank and the Gaza Strip. We have no doubt that such a report of the Secretary-General will be carried out.

We are confident that the current situation and the persistence of the occupation will not continue, and that all international Powers having influence with Israel must redouble their genuine efforts to bring about a lasting and just settlement of the tragic situation from which the Palestinian people continue to suffer. The path to such a just settlement must be achieved through the following crucial steps.

First, the immediate cessation of the ongoing Israeli aggression and the withdrawal of Israeli forces from territory under the control of the Palestinian Authority to the borders existing before 28 September 2000; an end to the Israeli force's repeated incursions; and the prompt dispatch of an international observer and monitoring force as proposed by the Secretary-General of the United Nations.

Secondly, an end to the armed confrontations and acts of violence in order that a period of calm combined with comprehensive political negotiations leading to a just, final settlement may be established.

Thirdly, as a basis for negotiations, such a settlement must include compliance with all previously agreed upon international legal instruments, namely, United Nations resolutions, especially Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002); the Madrid process, namely the principle of land for peace; and the accords and understandings which both the Israeli and Palestinian parties concluded in December 2000 and January 2001.

Finally, such a settlement must include the Arab peace initiative, which states that a final settlement must include Israeli withdrawal from Palestinian territories occupied after 4 June 1967, a freeze on settlements and the dismantling of existing settlements, the right of Palestinians to self-determination and the creation of the State of Palestine with East Jerusalem as its capital. It must also include the right of both sides to equal security through mutually agreed measures that do not favour the invaders and through a just and practical settlement of the question of Palestinian refugees on the basis of United Nations resolutions and international law.

Any effort to reach a settlement must be based on all those key elements in order to ensure its success. However, one of the most crucial elements in ensuring such success is the inclusion of a time frame for the steps towards the settlement. Negotiations between the two sides cannot remain open-ended indefinitely. No

negotiations can be accepted that would last 10 years without achieving the goals of the Palestinian people or that would repeat the manoeuvres used by Israel over the years since the Madrid Conference of 1991. Neither security for both sides nor peace and stability for the two peoples in the region and for the whole region will be ensured without a just settlement. The United Nations has defined such a settlement and it has been unanimously accepted by the Arab countries, while the Government of Israel continues to throw up obstacles in order to impede enforcement and the implementation of agreements reached.

The Palestinian people need the greatest support possible from the international community, especially in the wake of the destruction of the infrastructure of all their institutions and of most of the facilities in all towns and villages.

In closing, I wish to emphasize here that the banner of the Palestinian people will remain hoisted high and that the flag of Palestine will be held by President Yasser Arafat, the democratically elected and legitimate leader of the Palestinian people. The Palestinians will resist the occupation they are suffering with the support of all forces that believe in the rule of law, justice, legality, genuine peace and security. Indeed, occupation will come to end and the State of Palestine will come into existence; it will live in peace with its neighbours, once the neighbouring State ceases to occupy its territory in breach of every norm, law and principle.

Mr. Negroponte (United States of America): The United States is fully committed to a settlement of the conflict in the Middle East. We are a strong friend of Israel, and we are also friends of the Palestinian people. The way forward to peace will not be advanced by resolutions such as this or through unbalanced rhetoric that prejudges what the parties must work out.

We believe the best way forward is to advance the comprehensive strategy that the "quartet" reaffirmed following its meeting last week. The three elements of this strategy are: one, security and freedom from terror and violence for both Israelis and Palestinians; two, serious and accelerated negotiations to revive hope and to lead to a political settlement; and three, economic and humanitarian assistance to address the increasingly desperate conditions faced by the Palestinian people. These are not just words. The "quartet" discussed concrete actions that must be taken to help realize this political vision.

This strategy has broad support both in the region and in the international community. We remain closely engaged with the parties, the quartet and regional leaders to move the process forward. Secretary of State Colin Powell met with Saudi Foreign Minister Saud Al-Faisal, Jordanian King Abdullah and Israeli Prime Minister Sharon yesterday to move forward with implementation. President Bush will meet Prime Minister Sharon today and King Abdullah tomorrow to discuss ways to pursue Middle East peace.

As Secretary Powell said on Sunday:

> "We are trying to continue this process, which began with the President's speech on 4 April talking about a vision of a Palestinian State, and asking all Palestinian leaders to move in a new strategic direction where the United States can help them achieve their goal, and our goal, of a Palestinian State."

The Security Council met 32 times on the Middle East last month, sidelining all other matters. Frankly, we were puzzled by the Palestinian decision to resort to a resumption of the emergency special session at this time of Security Council activism and new diplomatic initiative.

On 12 March, Security Council resolution 1397 (2002), which my Government sponsored, affirmed a vision of a region in which two States — Israel and Palestine — live side by side within secure and recognized borders. Resolution 1402 (2002) calls upon both parties to move immediately to a meaningful ceasefire; it calls for the withdrawal of Israeli troops from Palestinian cities, including Ramallah; and it demands an immediate cessation of all acts of violence, including acts of terror, provocation, incitement and destruction.

We can report progress in the implementation of these Security Council resolutions. We are working intensively to end the stand-off at the Church of the Nativity and to complete the withdrawal of Israeli troops from the last of the Palestinian cities, Bethlehem. Hopefully, this will be resolved very soon. However, much remains to be done by Israel, by the Palestinian Authority, by Arab leaders and by the international community in order to bring an end to terror and violence.

The draft resolution before the General Assembly today bears little resemblance to Security Council resolutions on the Middle East. This draft is filled with one-sided rhetoric condemning one party in this two-party conflict. While some of the most objectionable language may be toned down as a result of negotiations, the original intent to isolate Israel has prevailed. There is not even mention of Palestinian terror attacks against Israeli civilians, which have done so much harm to prospects for peace in the Middle East.

Let me reiterate what my deputy, Ambassador James Cunningham, explained during the recent Security Council debate on Friday night. As sponsors of Security Council resolution 1405 (2002), welcoming the Secretary-General's initiative to send a fact-finding team to Jenin, we do not believe that any Member State is in violation of operative paragraph 2 of that resolution. It is time to move forward and to deal with many of the other pressing problems facing the region.

We will vote against the draft resolution that is before the Assembly because we are focused on working directly with the parties to bring results, and because we believe the condemnatory rhetoric against Israel contained in this draft resolution will not contribute to the efforts of the international community to urge both parties to take the decisions they need to make to end violence and return to negotiations. To those who believe that draft resolutions like this one — and the speeches that endorse them — help the Palestinian people, I suggest that such rhetoric does the very opposite. It undermines the credibility of their cause and deepens the divide between the Palestinians and a neighbour with whom one day, sooner or later, they will have to live in peace.

Mr. Nejad Hosseinian (Islamic Republic of Iran): Mr. President, I thank you for having convened this important meeting, and I hope that the Assembly, by the action it will take, will live up to the expectations the United Nations has created across the globe. The convening of this session is promising in the sense that it demonstrates the determination of the general membership of the United Nations to express its outrage at the illegal activities of Israelis in the occupied territories and to follow up on the Palestinian question.

At the same time, we deeply regret that once again the failure of the Council to fulfil its Charter responsibilities has prompted the Assembly to take up the grave situation in Palestine, which threatens peace and security in the entire Middle East region. It is all the more regrettable that, while the vast majority of the Council's members have struggled to deal effectively with illegal Israeli actions in the occupied Palestinian territories, a single member of the Security Council has missed no opportunity to scuttle every effort to effectively address the issue.

There is no doubt that the Council's inaction in the face of Israeli contempt for its recent resolutions will go down in the history of the Security Council as one of its major failures in the process of furthering the cause of peace and security in the world. It also will go down in history as another example of the double standard forced upon the Council by a very small number of its members. We hope that the Council will follow up on its recent resolutions and take steps to address the non-compliance by the Israeli regime with its terms.

The convening of this session bears witness to Israel's intransigent policy of total disregard for the principles of international law and the demands of the international community, including Security Council resolutions 1402 (2002), 1403 (2002) and 1405 (2002). The resolutions adopted so far by this special session condemning the Israeli regime for failing to comply with the provisions of the Fourth Geneva Convention and the decisions of the Assembly continue to be flouted and remain unimplemented.

Over the past 19 months, acts of provocation, the desecration of holy shrines, extrajudicial killings, the excessive and disproportionate use of force in civilian areas and the bulldozing of homes, culminating in the recent war crimes and massacre committed in the Jenin refugee camp, have figured prominently among the illegal and criminal activities perpetrated by the occupying Power in the Palestinian occupied territories.

Moreover, the sieges and closures imposed by the Israelis are suffocating the Palestinian economy. There is no doubt that such restrictions amount to the imposing of collective punishment on an entire population. The Israelis are also engaged in systematically tearing down the Palestinian institutional capacity and weakening the elected Palestinian leader, who has been their long-time peace partner. In so doing, they have dropped the empty

pretence of seeking peace, which they had adopted for several years.

All of that proves once more the untrustworthy and irresponsible nature of the Israeli regime, which has been demonstrated time and again over the past several years through its violations of many agreements, despite the fact that the terms of such agreements were clearly in its favour.

Consensus opinion, expressed and maintained by the international community over recent decades, stresses explicitly the applicability to all the Arab and Palestinian territories of the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War. The continuation of illegal acts by the Israeli regime constitutes an intentional and complete violation of that Convention, as well as of numerous United Nations resolutions and international legal and political instruments. What happened recently in Jenin was the latest in a long list of grave breaches of the Fourth Geneva Convention by Israel as the occupying Power.

We believe that it is absolutely necessary for the international community, represented by the United Nations, to look into the war crimes perpetrated by the Israeli forces over the past 19 months, especially the atrocities committed in Jenin and elsewhere in the occupied territories. It is imperative for the international community to bring the perpetrators to justice and to act in such a way as to prevent the recurrence of such crimes in the future.

The question of Palestine continues to remain the responsibility of the United Nations, as the only universal and the most representative body of the international community. As such, it cannot and must not fail the people of Palestine. The Middle East region has been marked by enduring crises, constant tension and destructive confrontations for more than half a century. The situation requires that the international community effectively tackle the Palestinian issue with a view to bringing durable peace and justice to the Palestinian land and tranquillity to the region as a whole.

Mr. Lancry (Israel): It is now more than 18 months since violence and terrorism broke out in the Middle East. During that time, there has been a heartbreaking loss of innocent life, a devastating effect on the economic well-being of the region and a deterioration in our faith in the possibility of peace.

These are tragic developments that are the result of the resurgence of Palestinian terrorism and of the strategic decision of the Palestinian leadership to abandon a political process filled with promise and hope in favour of a strategy of terrorism that has led only to chaos and ruin.

It is this choice that is responsible for the deaths of civilians on both sides. It is this choice that has devastated the Palestinian economy. It is this choice that has caused many Israelis to lose faith in our Palestinian partners and forced the Israeli military to take action in order to protect Israeli civilians from an unrelenting threat. And it is this choice that has led us directly to the crisis that we are facing today.

Responsibility for all these destructive consequences lies fully with those who have horrifically demonstrated their preference for violence over dialogue, for war over peace.

The vision laid out in Security Council resolution 1397 (2002) of two States living side by side was clearly within reach at Camp David and Taba. But its rejection by Chairman Arafat and the subsequent wave of Palestinian terror that continues to this day have led many Israelis to conclude that the Palestinian leadership is not interested in the creation of a Palestinian State.

After many months of ongoing violence and terrorism in the Middle East, we once again have cause for hope. Although one would never know it from listening to some of our deliberations here in New York, there have been a number of positive developments in the last several days.

Meeting in Washington last week, the members of the "quartet" announced a new initiative — an international peace conference on the Middle East to be convened this summer. Also last week, we successfully negotiated a non-violent settlement to the stand-off at Chairman Arafat's compound in Ramallah. Negotiations continue in an effort to achieve a similarly peaceful settlement at the Church of the Nativity in Bethlehem. In addition, Israeli forces have virtually completed their withdrawal from Palestinian cities and towns, as required by resolution 1402 (2002).

But the primary positive development is the lull in Palestinian terrorist action as a result of the harsh blow dealt by the Israeli military to the terrorist infrastructure. This respite, after a year and a half of

virtually non-stop terrorist acts, has created a window of opportunity, both for Chairman Arafat and the international community. With Chairman Arafat fully able to exercise his leadership of the Palestinian people, he has the choice to build on this progress and work to further suppress Palestinian terrorism. Doing so would entail disarming Palestinian terrorist groups and creating one security body, introducing transparency in financial matters that would enhance democratic processes and making the fundamental strategic departure from the use of terrorism as a political tool. The choice to pursue this path is entirely within the Chairman's hands.

For the international community, the challenge is to take advantage of this opening. Now is the time to mobilize the forces for peace in the region, to supplement existing efforts and exert maximum pressure to keep the level of violence down, to ensure that verifiable measures are undertaken to end terrorism and incitement and to work towards the resumption of a genuine political process.

Unfortunately, here in the United Nations it seems that the Palestinian delegation is more comfortable with acrimony than with harmony. It would prefer to perpetuate a campaign of disinformation, continue one-sided condemnations of Israel and seek new resolutions and other bureaucratic diversions that serve to prevent us from exploiting the opportunity that lies before us.

Such are the tactics of the Palestinian leadership. In defiance of all reports from the region, it continues to speak of Israeli atrocities, Israeli massacres and so forth. How long should the international community indulge this kind of rhetoric?

From the very beginning of Israeli operations, in an area that even the Palestinians referred to as the capital of suicide bombings, Palestinian spokespeople alleged Israeli atrocities in the most extreme, hyperbolic terms. Palestinian Authority negotiator Saeb Erakat charged during a CNN interview on 10 April 2002 that Israeli troops had killed more than 500 people in Jenin. On 12 April, he repeated the charge that "a real massacre was committed in the Jenin refugee camp", and added that 300 Palestinians were being buried in mass graves. On 15 April, Erakat again used the term "massacre" and began to refer to Israeli actions as war crimes.

Here in New York, similar charges were made in the Security Council, even as emerging reports and media interviews with Palestinian terrorists supported Israel's claim that a fierce gun battle had taken place in Jenin, or, in their appellation, Jeningrad, and that scores of civilian dwellings had been booby-trapped with explosives. Finally, at last week's Security Council meeting, the Palestinian position was modified, and acknowledged that "perhaps" the massacre had in fact occurred.

Today, the international community is well aware that what really transpired in Jenin bears no resemblance to the Palestinian account, related in the media and at the United Nations. Fifty-six Palestinians lost their lives in Jenin, the overwhelming majority of them gunmen in a battle where 23 Israeli soldiers were killed. Of the numerous reporters and independent observers who have entered the Jenin camp, none have produced any evidence of a massacre. Had the international community known then what we know now about events in Jenin, it is doubtful that a fact-finding effort would have been considered appropriate.

Nevertheless, Palestinian claims moved the Security Council to undertake virtually non-stop deliberations. And now, Palestinian misinformation, fabrications and deliberate distortions of reality have moved the United Nations to reconvene the emergency special session. When will it end? When will we stop accepting every baseless Palestinian accusation as truth?

The Palestinian record of deliberately misleading the international community, only to have the blinding light of truth reveal these misrepresentations for what they truly are, is lengthy and well documented. Palestinian credibility is at an all-time low. Allow me to make a brief review.

Before dawn on 3 January 2002, the Israeli navy seized a freighter packed with 50 tons of sophisticated weapons bound for the Palestinian territories. The captain of the ship was a senior officer of the Palestinian naval police. The sophistication of the smuggling attempt, the costs associated with purchasing Iranian weapons and Israeli intelligence reports all made clear that this operation was organized and financed by high officials in the Palestinian Authority.

Despite the overwhelming evidence, Palestinian officials vehemently denied responsibility. In a letter circulated on 9 January 2002 (A/ES-10/137), the suggestion of official Palestinian responsibility was called "insane". The letter stated that "The Israeli story defies logic and any common sense." As late as 8 February, an official Palestinian Authority communiqué declared that: "Regarding the armed ship, the leadership reiterates that it has no knowledge of the issue."

Today, we know that responsibility for the *Karin A* affair lies with the highest echelons of the Palestinian leadership. On 31 August 2001 Adel al-Mughrabi, a Palestinian naval officer, purchased the *Karin A* in Lebanon with $400,000 provided by Fuad Shoubaki, Yasser Arafat's chief financial officer and a close confidant of the Chairman. Shoubaki was also in charge of financing the Fatah branches that carry out terrorist activities under the name of the Al-Aqsa Brigades.

Despite this and other accumulating evidence of the official Palestinian Authority role in inciting and organizing violence against Israel, Palestinian representatives have continued to maintain their innocence, asserting that terrorism emanates only from groups outside of the Palestinian Authority. Now, it is well known that the Tanzim and the Al-Aqsa Brigades operate under the direct authority of Chairman Arafat and that Chairman Arafat has chosen to reassert his authority by perpetrating more acts of terror than even Hamas or Islamic Jihad.

It is also known that the official Palestinian media — newspapers, television and radio — incite the population, including the youngest of children, to hatred and violence, with graphic images of violence, programmes that glorify Palestinian terrorism and fiery speeches by political and spiritual leaders that call for violence against Jews.

Recently, Israel has discovered documents in Chairman Arafat's Ramallah compound and elsewhere, which were sent last week to the Secretary-General and which constitute irrefutable proof of the central role played by Chairman Arafat and other high officials in the Palestinian Authority in organizing, inciting and financing acts of terror. They even include a call by Chairman Arafat himself to Israel's Arab citizens to "draw with blood the map of one homeland".

Almost immediately after Israel publicized the contents of these documents, Palestinian accusations and recriminations began. They denied their authenticity, called them fakes and forgeries and levelled their now famous accusation that the information had been taken out of context. In the Security Council, Israel's accusations were called stupid. Here again, the truth will ultimately prove itself overwhelming.

My purpose here is not to deny the suffering of the Palestinian people, but rather to highlight a disturbing pattern of Palestinian behaviour. Rather than accept responsibility for their actions and live up to their commitments, the Palestinians continually demonstrate their preference for levelling unfounded accusations that in turn serve as a basis for further action in the United Nations.

This is precisely the pattern of behaviour that led to the establishment of a fact-finding committee in Jenin. Israel accepted the need for the international community to develop accurate information regarding the incidents in Jenin. We asked only that the fact-finding team have its objectives and parameters clearly specified in accordance with the guidelines that this Assembly has established, in resolution 46/59 of 1991, and in accordance with paragraph 2 of Security Council resolution 1405 (2002). The Israeli Cabinet raised six points of concern that stem directly from these agreed parameters and guidelines.

While we have the highest respect for Secretary-General Kofi Annan and for the eminent individuals appointed by the Secretary-General, Israel did not think it too much to expect that the team's principal members include individuals with expertise that would adequately reflect all the disciplines required to develop accurate information, including in the field of security and counter-terrorism. Israel did not think it too much to expect that the fact-finding team would investigate the activities of both sides, including the use of a United Nations-administered camp as a centre for terrorist activity, in violation of international humanitarian law and Security Council resolutions. This would have been in keeping not only with basic fairness and a genuine interest in understanding the events that occurred in Jenin, but also with the guidelines and practices established regarding the conduct of fact-finding missions.

It appears, however, that when it comes to Israel, the United Nations often operates by a different set of rules. Israel cannot accept the assertion that merely asking that these basic principles be applied constitutes defiance of resolution 1405 (2002). It should be recalled that the fact-finding team was an initiative of the Secretary-General, not a demand of the Security Council. The fact that this initiative did not lead to the departure of the team, as Israel's concerns remained unresolved, does not, therefore, constitute defiance of resolution 1405 (2002).

When Palestinian spokespeople assert that a massacre occurred in Jenin, the United Nations does not wait for any evidence to support that claim. When Israelis are massacred — as has occurred countless times, not only in the past 18 months but over the last 54 years — and the gruesome images of their mangled bodies are on full display on television and in the newspaper, the United Nations is silent. No commissions are established to investigate the role of the Palestinian Authority and other regimes in the region in the perpetration of these atrocities, even though their involvement is documented and well known.

Moreover, when Israel is to be investigated the results of the investigation are routinely predetermined in advance. While the United Nations was preparing to send a team to the region for the purpose of developing accurate information regarding events in Jenin, United Nations officials were making statements to the press suggesting that the information was already known. Mr. Peter Hansen, the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), told a Danish newspaper in April that 300 to 400 Palestinians had been killed in Jenin, numbers we now know to have been highly exaggerated.

Perhaps nothing betrayed the true motives of those who initiated the fact-finding team more than the statement of the Syrian representative in the Security Council last Friday, who stated that the accused should not be permitted to choose their own judges. Clearly, in the minds of certain delegations, this was not to be a fact-finding mission at all, but rather a trial, with Israel standing accused before international judges.

The draft resolution before the Assembly today continues in that vein, condemning Israel for the atrocities it allegedly committed in Jenin, but then requesting the Secretary-General to present a report on the subject, a report whose conclusions have clearly already been determined. Today's draft resolution, like so many others that have come before, only reluctantly mentions Palestinian terrorism. Indeed, to read the draft resolution, one would think that the Palestinians are the only party that has suffered in this conflict and that Israel is the only one that has done anything wrong.

In his introduction of the draft resolution, the Permanent Representative of South Africa, on behalf of the Non-Aligned Movement, still criticized Israel for a culture of impunity; but, indeed, nothing could better reflect a Palestinian culture of impunity than this draft resolution, which places full blame for the current state of affairs on Israel, while it ignores any Palestinian responsibility for the crisis.

The draft resolution contains no clear and unequivocal condemnation of suicide bombings. If in this Hall this morning we were able to hear an authoritative Palestinian voice condemning suicide bombings, and if that condemnation is genuine, why does it not appear in the draft resolution? In two masterpieces of non-alignment, the Chairman of the Movement — both in the Security Council last Friday and in his words today — did not find it necessary to utter a single word in condemnation of Palestinian suicide bombings. And if the Palestinian side can condemn suicide bombings, as it did this very morning, are we to understand that the Chairman of the Non-Aligned Movement is actually more Palestinian than the Palestinians themselves?

The draft resolution fails to reflect the fact that resolution 1402 (2002) puts specific obligations on the Palestinian side, including the implementation of a meaningful ceasefire, an end to terrorism and incitement, and cooperation with General Zinni — none of which the Palestinian Authority has even begun to implement. Indeed, this draft resolution seems to systematically turn a blind eye to the actions of the Palestinians, while focusing its attention exclusively on Israel.

Is it so outrageous to expect the international community to apply international humanitarian law to the Palestinians as well as to Israel? Is the behaviour of Palestinian terrorists not a clear violation of humanitarian law? In the last several weeks alone, Palestinian terrorists have used a civilian refugee area

as a base for launching terrorist attacks and storing illegal weapons and explosives. They continue to target innocent Israeli civilians, with the support of the Palestinian Authority. They have situated their headquarters in a densely populated urban area, knowing full well that their actions endanger the lives of civilians. They have done nothing to distinguish themselves from innocent civilians; on the contrary, they have disguised themselves as civilians in order to avoid retribution and have used civilians — including children — as human shields. They have taken over one of Christianity's holiest sites, the Church of the Nativity, held clergymen and others hostage inside, looted and defiled the sanctity of the place, and fired at Israeli soldiers from behind its walls. All of these actions are violations of international humanitarian law; many of them are war crimes. None of them receive even a mention in this draft resolution.

It should be obvious that humanitarian law applies both to Israel and the Palestinians. And yet, as is unfortunately typical, what is fair to any observer is not obvious and applicable in this draft resolution.

Finally, Mr. President, I would like express Israel's profound regret at the reconvening of the emergency special session. Not only is today's session unnecessary and a waste of representatives' time, but it also flouts the conditions that must be met in order to convene such a session. The draft resolution before us today will not contribute to a lessening of Palestinian terrorism. It will not provide an incentive for the Palestinian leadership to exercise its authority and lead its people towards peace and reconciliation with Israel. All it does is to further remove us from the only course of action that will address the rights and needs of both the Israeli and Palestinian peoples.

The General Assembly does not serve the interests of the Palestinian people, nor does it advance the realization of their legitimate aspirations by indulging the Palestinian appetite for endless United Nations resolutions. Rather, it harms those aspirations by reinforcing the perception among the Palestinians that no matter how much violence they provoke, how many suicide attacks they finance, or how much hatred they instil in their children, the United Nations can always be relied upon to ignore Palestinian violations and heap condemnation solely upon Israel.

The General Assembly should not act on every one-sided Palestinian initiative. It should not consider every Palestinian accusation to be an accurate reflection of the situation on the ground. The General Assembly should reject this one-sided draft resolution.

The path to peace in the Middle East is clear and has been for some time. It has been set forth in Security Council resolutions 242 (1967) and 338 (1973) and in the Declaration of Principles signed between Israel and the Palestine Liberation Organization on the White House lawn in September 1993. Violence and terrorism must be renounced in word and deed. All outstanding issues must be resolved through negotiations leading to a situation in which two States live side by side in peace and coexistence. This dream can become a reality only once the Palestinians abide by their obligations, renounce terrorism fully and finally and prepare their people for a future of peace with Israel.

Mr. Rodríguez Parrilla (Cuba) (*spoke in Spanish*): As we did just a few months ago, we are meeting once again in this Hall to reconvene, for the seventh time, the tenth emergency special session of the General Assembly.

The convening of this meeting is fully justified. Once again, the Security Council has failed to fulfil its responsibilities and shown its inability to act in the face of the extremely serious situation in the occupied Palestinian territories. That body has been unable to react, even timidly, to the decision of the Sharon Government not to cooperate with the fact-finding team to have been sent to Jenin.

The ineffectiveness of the Security Council is obvious not only when it is unable to adopt resolutions, but also when it cannot enforce compliance with those it has adopted. Even following the adoption of resolutions 1402 (2002) and 1403 (2002), Israel continued and even intensified its savage attacks in Ramallah, Bethlehem, Tulkarem, Jenin, Nablus and other cities, without any consequences. The serious human pain and suffering inflicted by these actions on innocent Palestinian families can never be measured in figures. The material loss is incalculable. With or without a fact-finding team, the truth cannot be hidden. The actions perpetrated in Jenin will remain inscribed on yet another dark page of the tragic history of the illegal occupation of the Palestinian territories.

The Israeli Government's attitude of open challenge to the standards of international law and the principles of the United Nations Charter is the result of the imperturbability with which the Security Council

has witnessed flagrant violations of its own resolutions. That is the consequence of Israel's certainty that nothing will happen and that its war crimes will go unpunished so long as it can count, as it has done to date, on the unreserved support of a permanent member, which, with its veto and threats of veto, prevents the Council from acting. The United States has, on 24 occasions, already vetoed draft resolutions of the Security Council on the question of Palestine.

We reiterate that the United States should immediately suspend its financial support for war activities and military supplies to Israel, which, in clear complicity, include planes, helicopters and missiles used against civilians. Furthermore, it must condemn the terrorism of the Israeli State if it claims to be fighting terrorism globally, wherever and in whatever form it manifests itself.

Some would have us believe that nothing can be done and that we should passively accept the current situation or at most be satisfied with resolutions that say little and do less. We, along with the majority of Member States, have never accepted and will never accept such an approach. The convening of this meeting is proof of that. The proposal of the Secretary-General — who, throughout the entire process, has shown considerable flexibility and consistency — to establish a multinational force in the occupied territories should be seriously considered and acted on through concrete measures without further delay.

Cuba energetically condemns the acts of aggression and barbarism committed by Israel against the civilian population and Palestinian territory. We demand the return of all Arab territories occupied by Israel. We reaffirm the illegal nature of Israeli settlements in all the occupied territories. We reaffirm the inalienable right of the Palestinian people to an independent and sovereign State, with East Jerusalem as its capital.

There will be no just and lasting peace if Israel does not abandon its policy of occupation. Cuba considers that, in the face of the Security Council's inaction, ineffectiveness and discredit, the General Assembly must act, as it is doing today, to help the heroic people of Palestine, to stop the crime and to salvage the credibility of the United Nations.

For these reasons, Cuba is a sponsor and will vote in favour of the draft resolution under consideration.

Mr. Kolby (Norway): Norway welcomes the lifting of the siege on President Arafat and the peaceful solution to the stand-off at the Church of Nativity in Bethlehem, which seems to be in the making. Once again, it has been proven that diplomacy and negotiations, and not military action and violence, are the measures by which the Middle East conflict must be resolved. It also proves that it is possible to find solutions to very difficult issues when there is a commitment from the parties to negotiating and from the international community to mediating and assisting.

Norway strongly supports the efforts of the United States and the "quartet" in de-escalating the violence and in bringing the parties back to the negotiating table. Norway also supports the Arab League in promoting the Saudi Arabian peace initiative.

Norway deeply regrets losses of Israeli lives due to terrorism and acknowledges Israel's right to defend itself from acts of terrorism. However, Israel must comply with international law and ensure that Palestinian civilians do not become victims of Israeli self-defence measures.

The recent damage inflicted by the Israeli military attacks has caused the deepest concern in Norway. The humanitarian situation is very difficult indeed. Civilian institutions of the Palestinian Authority have been targeted. The Palestinian Authority's security infrastructure has been seriously damaged. The Palestinian economy is in a downward spiral. The Israeli military operations are not conducive to achieving peace.

Norway very much regrets that the Secretary-General was forced to disband the fact-finding team. We strongly believe that it would be in the interest of everybody — Palestinians, Israelis and the international community — to get the most accurate information possible concerning what happened in the refugee camp in Jenin.

The immediate challenge now is to rebuild the institutions of the Palestinian Authority, including the security infrastructure. Without a functioning Palestinian Authority and a Palestinian police force, there can be no progress in fighting terror and resuming negotiations. We are therefore pleased that a meeting of international donors in Oslo two weeks ago, under the auspices of the Ad Hoc Liaison Committee, produced strong and concrete commitments to the

democratically elected Palestinian leadership and to the rebuilding of Palestinian institutions. At the same time, donor assistance can only alleviate the economic and social hardships faced by the Palestinians. The key to ending those hardships lies with Israel, and the donors asked Israel to end the closures and to transfer the value-added tax withheld. Donors also decided to seek guarantees from Israel that no further damage will be done to projects financed by the international donor community.

However, real progress in the peace process can be achieved only if the root cause of the conflict is removed. The Israeli occupation must come to an end.

Norway calls on Israel and the Palestinians to act with responsibility and to move towards a political resolution to the conflict. It is time for the parties to adopt a constructive strategy. Norway calls on Israel to halt all its military operations immediately and to withdraw its forces from reoccupied Palestinian areas. President Arafat and the Palestinian Authority must do their utmost to stop Palestinian terrorism. In that regard, Israel must stop destroying the Palestinian police infrastructure, which undermines the long-term capability of the Palestinian Authority to fight terrorism. President Arafat must be allowed to resume his full duties as head of the Palestinian Authority.

Norway supports the idea of holding a peace conference this summer. Negotiations must be resumed with the aim of realizing the international consensus on the vision of two States, Israel and Palestine, living side by side within internationally recognized borders, in accordance with the relevant Security Council resolutions. The conflict will not end until the occupation comes to an end and the objective of two States is achieved. Ultimately, however, it is the parties themselves that bear the greatest responsibility in that regard. Peace in the Middle East is possible only if the parties are willing to take the necessary steps, which no doubt will involve concessions and compromises on both sides.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): The situation in the Palestinian territories and in the Middle East as a whole has prompted serious concern on the part of the Government of the Russian Federation. Regrettably, we must note that, in spite of certain positive developments, the Palestinian-Israeli confrontation remains acute. People are dying on both sides, and the humanitarian crisis in the Palestinian territories has taken on catastrophic proportions, in which the entire economic infrastructure has been essentially destroyed. The civilian population's unprecedented suffering has caused extreme concern on the part of the entire international community. In order to normalize the situation, wide-ranging and varied efforts will be necessary. We believe that what is most important now is to halt immediately all acts of violence, including acts of terrorism, provocation, incitement and destruction.

That was precisely the focus of the meeting of the "quartet" of international mediators held in Washington, D.C., on 2 May, with the participation of the Secretary-General. The "quartet" came out strongly in favour of urgent collective action to restore peace to the Middle East region on the basis of the implementation of Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) and of the Saudi initiatives adopted at the Arab summit in Beirut. It is Russia's firm position that all Council resolutions must be implemented consistently; there can be no double standards.

In that context, we see no justification for the Israeli Government's refusal to accept the fact-finding mission to the Jenin refugee camp, established by the Secretary-General pursuant to resolution 1405 (2002). Despite repeated Security Council actions concerning Israel and the exhaustive clarifications provided by the Secretary-General with regard to the group's mandate, Israel did not implement resolution 1405 (2002). We believe that objective information about what took place in Jenin must be provided to the Council.

Moscow welcomed the news of the lifting of the siege on the residence of Yasser Arafat, head of the Palestinian National Authority, in Ramallah, and views that action as very positive and significant in the present complicated situation. Palestinians and Israelis must now take further steps to normalize that situation. First and foremost, this related to defusing the confrontation at the Church of the Nativity, fully withdrawing Israeli troops from the Palestinian Authority's territory, establishing a durable ceasefire and guaranteeing unhindered access of assistance to the Palestinian population. Also on that agenda is the adoption of urgent measures to restore the Palestinian Authority's institutions in their entirety and to overcome the humanitarian crisis.

There is no military solution to the conflict. It is Russia's firm position that future diplomatic efforts should be focused on finding practical ways to resolve the Middle East tragedy on the basis of the resumption of political negotiations. Russia, as a sponsor of the peace process and a participant in the "quartet" of international mediators, will continue to work actively to ensure a definitive Palestinian-Israeli settlement whose objective is the peaceful and secure good-neighbourliness of two States, Palestine and Israel. We think that that objective will be advanced by the forthcoming Middle East conference, scheduled for the beginning of summer. The decision that we are taking in the United Nations also calls for the fostering of further efforts in that direction.

The meeting rose at 12.55 p.m.